

REMARKS

Applicant respectfully requests reconsideration. Claims 60-62, 66, 68-72 and 75 were previously pending in this application. By this amendment, Applicant is canceling claims 66, 68-72 and 75 without prejudice or disclaimer. Claim 60 has been amended to add the limitation of now canceled claim 75. As a result, claims 60-62 are pending for examination with claim 60 being an independent claim. No new matter has been added.

Rejections under 35 U.S.C. §112

Claims 60-64 and 66-72 are rejected under 35 U.S.C. §112 first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to the Examiner, the concise structures of a representative number species encompassed within this functionally defined and very broad genus have not been provided, and has maintained the rejection for lacking adequate written description.

Claim 75, which limits the class of binding peptides to UCP antibodies, was not rejected under 35 U.S.C. §112 first paragraph. Applicants have amended claim 60 to include the limitation from claim 75. Applicants have cancelled claims 66 and 68-72 without prejudice or disclaimer. The amendment to add the non-rejected claim limitation into claim 60 should be sufficient to overcome this rejection.

Claims 66, 68-72 and 75 are rejected under 35 U.S.C. §112 first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, a description of the proposed correlation between lysosomal pH and antigen presentation is not representative of the ability to effectively regulate the lysosomal pH of target cells in vivo.

Although Applicants disagree strongly with this rejection and have previously submitted sufficient evidence to overcome the rejection, Applicants have cancelled claims 66 and 68-72

Serial No.: 09/599,760
Conf. No.: 8006

- 5 -

Art Unit: 1635

without prejudice or disclaimer, in order to advance prosecution. Applicants maintain the right to pursue such claims in a continuation.

Accordingly, withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Serial No.: 09/599,760
Conf. No.: 8006

- 6 -

Art Unit: 1635

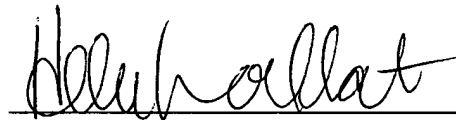
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Martha K. Newell , Applicant(s)

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: V0139.70059US00
Date: December 22, 2004
x12/30/04x